


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD J. KELLY; JON PIZZICA;)	
CHRISTOPHER STEINBRUNN; and)	Civil Action No. 2:10-CV-01702-AJS
BARBARA ANN LECHENE,)	
individually and on behalf of all others)	
similarly situated,)	Judge Arthur J. Schwab
)	
Plaintiffs,)	
)	
v.)	
)	
CAREER EDUCATION)	
CORPORATION and LE CORDON)	
BLEU INSTITUTE OF CULINARY)	
ARTS, INC.,)	
)	
Defendants.)	

ORDER GRANTING PRELIMINARY APPROVAL OF SETTLEMENT

 The Court heard a joint motion by Plaintiffs Edward J. Kelly, Jon Pizzica, Christopher Steinbrunn, and Barbara Ann Lechene (as Class Representatives), on behalf of themselves and all others similarly situated, and Defendants Career Education Corporation and Le Cordon Bleu Institute of Culinary Arts, Inc. ("LCB-Pittsburgh"). The Court has considered the Joint Stipulation And Settlement Agreement ("Stipulation") and the proposed Notice Regarding Pendency of a Class and Collective Action and Notice of Hearing on Proposed Settlement ("Class Notice") and attached exhibits, and the submissions of counsel, and hereby finds and orders as follows:

1. The Court finds on a preliminary basis that the settlement memorialized in the Stipulation, filed with the Court, falls within the range of reasonableness and therefore meets the requirements for preliminary approval.

2. The Court conditionally certifies, for settlement purposes only, the following class ("Class"): All individuals who were employed in the following positions at LCB-Pittsburgh:

Admissions Representative, Admissions Representative-CS, Admissions Representative-HS, Admissions Representative-IS, Senior Admissions Representative, Senior Admissions Representative-CS, Senior Admissions Representative-IS, Admissions Representative-Cancel, Admissions A, Admissions B, Senior Admissions A, Senior Admissions B, and Admissions Lead during the period of time from March 3, 2008 through the date of this Order (the "Class Period"); provided, however, that for any Class member or Class Representative who filed a complaint or opt-in form in this action prior to March 3, 2011, the "Class Period" will run from three years before the date the complaint or opt-in form was filed through the date of this Order.

3. The Court finds, for settlement purposes only, that the Class meets the requirements for certification under section 216(b) of the Fair Labor Standards Act and under Rule 23(a) and Rule 23(b)(3) of the Federal Rule of Civil Procedure in that: (1) the class is so numerous that joinder is impracticable; (2) there are questions of law and fact that are common to all Class members, which questions predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the Class members; (4) Plaintiffs and their counsel will fairly and adequately protect the interests of the Class; and (5) a class action is superior to other available methods for the fair and efficient resolution of the controversy.

4. This Order, which conditionally certifies a class and collective action for settlement purposes only, shall not be cited in any matter for the purpose of seeking class or collective action certification or class or collective action notice.

5. The Court appoints for settlement purposes only Edward J. Kelly, Jon Pizzica, Christopher Steinbrunn, and Barbara Ann Lechene as Class Representatives.

6. The Court appoints for settlement purposes the law firm of Carlson Lynch Ltd. as Class Counsel.

7. The Class Notice, attached to the Stipulation as Exhibit 3, and the Change of Name and/or Address Information, Election to Opt Out of Settlement and Class Action, Settlement Claim Certification Form, and Consent to Join Settlement Class Form, attached to the Class Notice as Forms A through D, respectively, are approved. Class Counsel is ordered to

mail those documents to the Class Members as provided in the Stipulation.

8. Any written objection to the settlement must be filed with this Court no more than ~~ninety (90)~~ ^{ninety (90)} days after the Class Notice is mailed to the Class Members by Class Counsel.

9. The Court will conduct a Final Approval Hearing on Dec 19, 2011 at 9:00 a.m. ~~to~~ to determine the overall fairness of the settlement and to fix the amount of attorneys' fees and litigation costs to Class Counsel and enhancements to Class Representatives. The Final Approval Hearing may be continued without further notice to Class Members. The parties shall file their motion for approval of the settlement, and Class Counsel shall file their motion for attorneys' fees, costs, and Class Representative enhancements on or before Nov. 21, 2011.

IT IS SO ORDERED.

Dated: 8-19-11


The Honorable Arthur J. Schwab